

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Noel GOMEZ-Perez

Defendant.

) Magistrate Case No. 2008 JUL -0 0110:57
08 MJ 2073
COMPLAINT FOR VIOLATION OF:
Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States
)
)

The undersigned complainant, being duly sworn, states:

On or about **August 26, 2006**, within the Southern District of California, defendant, **Noel GOMEZ-Perez**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF June, 2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On Sunday, August 26, 2007, defendant, **Noel GOMEZ-Perez** was arrested by Customs and Border Protection (Border Patrol) in violation of Penal Code 3056, "Violation of Parole". Defendant was booked into San Diego County Jail. A Border Patrol Agent determined the defendant to be a citizen of Mexico and placed a detainer Form I-247 Immigration detainer pending his release from local custody.

On July 07, 2008, at approximately 10:15 a.m., the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico who was previously deported or removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on November 02, 2006; and removed to Mexico the same day via the San Ysidro, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Noel Gomez-Perez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.



SIGNATURE OF COMPLAINANT
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF June, 2008.



UNITED STATES MAGISTRATE JUDGE